

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

Elvia Garcia, Marylu Garcia, Agustin)
Garcia, Armando Aguilar, Jorge Luis)
Aguilera, Jose Humberto Aguilera,)
Heron Alaniz, Jose Luis Alvarez, Jose)
Francisco Escobedo, Victor Flores-)
Galvan, Francisco Garcia, Israel Becerra-)
Garcia, Cresencio Jaime-Cantu, Luis)
Jimenez, Jose Luis Loza, Pedro Macias,)
Octavio Martinez, Israel Mata, Joas)
Perez-Guzman, Alejandro Robledo,)
Esteban Robledo, Maria Guadalupe)
Robledo, Jose Luis Rodriguez, Arturo)
Sanchez-Botello, Lorenzo Silva, and)
David Montalvo,)

Plaintiffs,

v.

Lewis Marshall Bailey IV d/b/a Lewis M.)
Bailey IV Farms, Lewis Marshall Bailey)
III d/b/a Lewis M. Bailey IV Farms, and)
Jesus Cervantes,)

Defendants.

CIVIL ACTION NO. 1:13-cv-84

JURY TRIAL DEMANDED

HON. ANDREW S. HANEN

PLAINTIFFS' SECOND AMENDED COMPLAINT

PRELIMINARY STATEMENT

1. This is an action for damages brought by twenty-six migrant agricultural workers from the Rio Grande Valley in Texas against Defendant agricultural employers and farm labor contractor. This action is based on Defendants' violations of Plaintiffs' rights under the federal Migrant and Seasonal Agricultural Worker Protection Act, 29

U.S.C. §§ 1801 *et seq.* (hereinafter "AWPA"), Title VII of the Civil Rights Act of 1964,

Plaintiffs' Second Amended Complaint

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as amended, 42 U.S.C. §2000e *et seq.* (hereinafter “Title VII”), 42 U.S.C. § 1981 (hereinafter “Section 1981”), Texas contract law, and Mississippi tort law.

2. In May of 2012, Defendants recruited and transported Plaintiffs from Texas to Mississippi for the purposes of employment planting sweet potatoes. Defendants violated their obligations to these workers under federal employment and civil rights laws, and Texas and Mississippi state laws, by, among other things, breaking promises made at the time of recruitment regarding the work and pay, discriminating against workers on the basis of their race and/or national origin, sexually harassing female workers, placing workers in deplorable and inhumane living conditions, denying access to toilets, and otherwise failing to meet even minimal standards regarding workers’ recruitment, transportation, and employment.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 (conferring jurisdiction over claims arising under the laws of the United States) and 28 U.S.C. § 1337 (conferring jurisdiction over claims arising under acts of Congress regulating commerce) 28 U.S.C. § 1343 (conferring jurisdiction over claims involving civil rights); 29 U.S.C. § 1854(a) (conferring jurisdiction over claims arising under the AWP); and 42 U.S.C. §2000e-5(f)(e) (conferring jurisdiction over claims involving Title VII).

4. This Court has supplemental jurisdiction over Plaintiffs’ claims arising under the laws of Texas and Mississippi pursuant to 28 U.S.C. § 1367 because they are so related to the federal claims that they form part of the same case or controversy under Article III of the United States Constitution.

5. This Court has personal jurisdiction over Defendants.

6. This Court is empowered to issue a declaratory judgment and further necessary or proper relief pursuant to 28 U.S.C. §§ 2201 and 2202.

7. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(2)-(3) and 29 U.S.C. § 1854(a).

PARTIES

8. Plaintiffs Armando Aguilar, Jorge Luis Aguilera, Jose Humberto Aguilera, Heron Alaniz, Jose Luis Alvarez, Jose Francisco Escobedo, Victor Flores-Galvan, Agustin Garcia, Elvia Garcia, Francisco Garcia, Israel Becerra Garcia, Marylu Garcia, Cresencio Jaime Cantu, Luis Jimenez, Jose Luis Loza, Pedro Macias, Octavio Martinez, Israel Mata, David Montalvo, Joas Perez-Guzman, Alejandro Robledo, Esteban Robledo, Maria Guadalupe Robledo, Jose Luis Rodriguez, Arturo Sanchez-Botello, and Lorenzo Silva are natural persons whose permanent place of residence is Texas.

9. Some Plaintiffs speak and read only Spanish.

10. At all times relevant to this action, Plaintiffs were “migrant agricultural worker[s]” within the meaning of the AWP, 29 U.S.C. § 1802(8)(A).

11. At all times relevant to this action, Plaintiffs were employees of Defendants Lewis Marshall Bailey III and Lewis Marshall Bailey IV (hereinafter jointly referred to as “Grower Defendants”) within the meaning of Title VII, 42 USC § 2000e(f).

12. All Plaintiffs are Hispanic/Latino and of Mexican/Mexican-American national origin.

13. Defendant Jesus (“Chuy”) Cervantes is a natural person domiciled in Brownsville, Texas.

14. At all times relevant to this action, Defendant Cervantes was a “farm labor contractor” (“FLC”) within the meaning of the AWP, 29 U.S.C. § 1802(7).

15. At all times relevant to this action, Defendant Cervantes acted as an agent of Defendants Lewis Marshall Bailey III and Lewis Marshall Bailey IV.

16. Defendant Lewis Marshall Bailey III (a.k.a “Sonny”) is a natural person domiciled in or around Bruce, Mississippi. On information and belief, Defendant Lewis Marshall Bailey III does business as Lewis M. Bailey IV Farms, which has its principal place of business in Calhoun County, Mississippi.

17. Defendant Lewis Marshall Bailey IV (a.k.a. “Marshall”) is a natural person domiciled in or around Bruce, Mississippi. On information and belief, Defendant Lewis Marshall Bailey IV does business as Lewis M. Bailey IV Farms, which has its principal place of business in Calhoun County, Mississippi.

18. At all times relevant to this action, Defendant Lewis Marshall Bailey III was an “agricultural employer” of Plaintiffs within the meaning of the AWP, 29 U.S.C. § 1802(2).

19. At all times relevant to this action, the Defendant Lewis Marshall Bailey IV was an “agricultural employer” of Plaintiffs within the meaning of the AWP, 29 U.S.C. § 1802(2).

20. At all times relevant to this action, Defendant Lewis Marshall Bailey III was an employer of Plaintiffs within the meaning of Title VII, 42 USC §2000e(b).

21. At all times relevant to this action, Defendant Lewis Marshall Bailey IV was an employer of Plaintiffs within the meaning of Title VII, 42 USC §2000e(b).

22. At all times relevant to this action, Defendant Lewis Marshall Bailey III (a.k.a. “Sonny”) acted as an agent for Defendant Lewis Marshall Bailey IV (a.k.a. “Marshall”) with respect to the recruitment, transportation, housing and employment of Plaintiffs.

23. At all times relevant to this action, Defendant Lewis Marshall Bailey IV (a.k.a. “Marshall”) acted as an agent for Defendant Lewis Marshall Bailey III (a.k.a. “Sonny”) with respect to the recruitment, transportation, housing and employment of Plaintiffs.

STATEMENT OF FACTS

24. The Grower Defendants contracted with Defendant Jesus (“Chuy”) Cervantes and his relative Andres Cervantes to obtain farm labor contracting services, including the recruitment of workers for planting the Grower Defendants’ sweet potato fields in and/or around Bruce, Mississippi.

25. At all times relevant to this action, Defendant Cervantes either lacked a farm labor contractor certificate of registration issued by the U.S. Department of Labor (hereinafter “USDOL”), or, alternatively, was a registered as a farm labor contractor with USDOL, but lacked the necessary authorizations to transport, house, and drive migrant workers.

26. At all times relevant to this action, Andres Cervantes acted as an agent of the Grower Defendants and/or Defendant Cervantes by assisting in the management, payment, housing, and transportation of workers.

27. At all times relevant to this action, Andres Cervantes lacked a farm labor contractor certificate of registration issued by the USDOL.

28. Grower Defendants failed to take reasonable steps to determine that the persons whom they utilized to supply them with migrant agricultural workers in May of 2012 had certificates of registration issued by USDOL that authorized the activities for which they were utilized.

29. Defendant Cervantes failed to take reasonable steps to determine that Andres Cervantes, whom he used to assist with the performance of farm labor contracting activities, had a certificate of registration issued by USDOL that authorized him to conduct those activities.

30. Grower Defendants' agent, Defendant Cervantes, recruited Plaintiffs to work in their sweet potato fields.

31. This recruitment took place in or around Brownsville, Texas in May of 2012.

32. The Grower Defendants offered agricultural employment to Plaintiffs on their sweet potato farm, by and through Defendant Cervantes in Texas.

33. Plaintiffs accepted agricultural employment for the Grower Defendants' sweet potato farm by and through Defendant Cervantes in Texas.

34. The terms of the working arrangement were entered into in Texas.

35. At the time that Defendants recruited Plaintiffs, Defendants failed to disclose in writing in English or Spanish the terms and conditions of employment as required by the AWPAA.

36. In Texas, Plaintiffs were verbally promised certain terms and conditions of employment.

37. Defendant Cervantes, acting as an agent of Grower Defendants, provided information to the Plaintiffs at the time of recruitment that varied from worker to worker. Plaintiffs received false and misleading information regarding, *inter alia*, (a) the type of work that would be done, (b) the length of the season, (c) the payment they would receive, (d) the terms and conditions of transportation, and (e) the terms and conditions of housing.

38. Among other things, the terms of the working arrangement made in Texas called for Plaintiffs to leave their permanent places of residence in Texas and travel to Mississippi to work in the Grower Defendants' sweet potato fields.

39. Plaintiffs relied upon the representations of the working arrangement and traveled nearly a thousand miles from South Texas to Mississippi for work.

40. In May of 2012, Defendants caused Plaintiffs to travel from their permanent residence in Texas to Mississippi to work in the Grower Defendants' sweet potato fields.

41. When Plaintiffs arrived to work for the Grower Defendants, work was not made available to them by the Defendants as had been promised to Plaintiffs in Texas.

42. Plaintiff David Montalvo left the employ of Defendants due, *inter alia*, to the failure of the Defendants to provide work as promised, and the abhorrent living conditions discussed *infra*, at Paragraphs 54 through 61.

43. When work was finally made available by Defendants to the remaining Plaintiffs, rather than planting sweet potatoes as agreed, the Defendants first made the Plaintiffs pull or cut grass and weeds with their hands and knives. This work had not been disclosed in Texas, and Plaintiffs objected to this work, *inter alia*, as it was more difficult

and dangerous than the work they had agreed to do. Defendants eventually gave the remaining Plaintiffs work planting sweet potatoes.

44. Plaintiffs engaged in “agricultural employment” at the Grower Defendants’ agricultural business within the meaning of 29 U.S.C. § 1802(3).

45. Defendants failed to post a notice in English or Spanish at Plaintiffs’ place of employment setting forth Plaintiffs’ rights under the AWP.

46. Defendants did not provide access to toilet facilities in the fields where Plaintiffs worked for most of the season. The facilities which were provided at the end of the season were not accessible from where Plaintiffs were working. Plaintiffs were therefore forced throughout the season to relieve themselves in the brush along the edge of the fields.

47. Plaintiffs at times worked such long hours on moving tractors without breaks that some soiled themselves. Defendants’ failure to provide adequate sanitation facilities and breaks endangered Plaintiffs’ health. Plaintiffs forewent water, risking dehydration, because of these conditions.

48. Defendants did not provide adequate drinking water or disposable cups at the jobsite.

49. Defendants did not provide hand washing facilities at the jobsite.

50. Defendants did not pay Plaintiffs their wages owed when due, *to wit*:

- a. Defendants paid the workers on a later date or only made a partial payment on the set payday;
- b. Defendants paid some Plaintiffs an hourly wage less than the hourly wage that had been promised when they were recruited in Texas;

- c. Defendants did not pay wages for all the hours of Plaintiffs' work; and/or
- d. Defendants and/or their agents made unauthorized deductions from the Plaintiffs' pay.

51. Defendants did not provide Plaintiffs with itemized pay statements as required by the AWP. Defendants paid Plaintiffs with cash, without accounting to them for their hours worked, pay rate, and/or any deductions that may have been legally or illegally taken from their pay.

52. On one occasion, while Defendant Cervantes was handing out cash payments to Plaintiffs, he demanded that Plaintiff Agustin Garcia return \$100 to him. When Plaintiff Agustin Garcia refused to return his pay, Defendant Cervantes punched him in the side and took \$100 from his pocket.

53. Defendant Cervantes intended to and did in fact frighten and injure Plaintiff Garcia when he punched him. Plaintiff Garcia had not threatened, frightened, or provoked Defendant Cervantes.

54. Upon information and belief, Plaintiffs were housed during the course of their employment in housing units owned or controlled by Defendants.

55. Defendants, by and through Defendant Cervantes, had promised Plaintiffs at the time of recruitment trailers or houses which included all necessary utilities and furnishings. Plaintiffs were told they would not have to pay for the housing.

56. The housing provided to Plaintiffs by Defendants upon their arrival in Mississippi was abhorrent. The sleeping, cooking, and bathing areas in the barrack style building were improperly separated. Mats provided for sleeping were dirty and stained. The kitchen facilities were wholly inadequate, particularly given the number of residents.

There were no proper bathing facilities; rather, workers rinsed themselves with cold water from an exposed pipe and at times had to share just one working toilet.

57. The female Plaintiffs refused to stay in housing with open quarters with unrelated males and lacking adequate bathing and cooking facilities, and so they and some other Plaintiffs were moved to a second housing location.

58. The Plaintiffs who were moved to the second housing unit (Plaintiffs Elvia Garcia, Marylu Garcia, Alejandro Robledo, Esteban Robledo, Maria Guadalupe Robledo, Jorge Luis Aguilera, and Jose Humberto Aguilera) were told by the Defendants that they would have to pay rent for that housing. This violated the working arrangement as free housing had been promised in Texas at the time of recruitment. Plaintiffs refused to pay rent.

59. At no time relevant to this lawsuit did Defendant Cervantes or his agents have a farm labor contractor certificate of registration issued by USDOL authorizing the housing of migrant agricultural workers.

60. The housing units failed to meet the minimum safety and health standards specified under the AWP and under applicable state and federal law.

61. The housing units in which Defendants housed Plaintiffs were not certified as meeting applicable health and safety standards by a state or local health authority or other appropriate agency, and no such certificate of compliance was posted.

62. The employment of Plaintiffs Jorge Luis Aguilera, Jose Aguilera, Elvia Garcia, Marylu Garcia, Alejandro Robledo, Esteban Robledo, and Maria Robledo, who had been moved to the second housing location, was wrongfully terminated (actually or constructively) by Defendants prior to the end of the season.

63. Defendants terminated Plaintiffs as described in Paragraph 62 because of Plaintiffs' exercise of their rights under the AWP. These Plaintiffs had exercised their rights under AWP by, *inter alia*, refusing to stay in the barrack-style housing first provided by Defendants, refusing housing which failed to meet health and safety standards, and refusing to pay rent for housing which they had been promised would be provided free of charge.

64. Plaintiffs were generally driven between the housing and work sites by Defendant Cervantes on a yellow school bus. At times Defendant Cervantes appeared to be under the influence of alcohol and/or drugs while driving the bus. The bus was occasionally driven by others, and Plaintiffs were also occasionally provided transportation for other purposes in this vehicle.

65. During the course of their employment of Plaintiffs, Defendants caused Plaintiffs to be transported by Defendant Cervantes and/or other drivers who did not have a farm labor contractor certificate of registration issued by USDOL authorizing transportation or driving.

66. During the course of their employment of Plaintiffs, Defendants caused Plaintiffs to be transported in a vehicle in violation of federal and state safety standards.

67. During the course of their employment of Plaintiffs, Defendants caused Plaintiffs to be transported in a vehicle or vehicles by a person or persons not properly licensed to drive that class of vehicle.

68. Defendants failed to take reasonable steps to determine whether the persons whose services it utilized to transport or drive workers had a farm labor

contractor certificate of registration issued by USDOL that authorized such persons to transport or drive migrant agricultural workers.

69. Defendants breached their promise to pay Plaintiffs' return transportation and Plaintiffs had to pay for their own return transportation from Mississippi to Texas.

70. Defendants gave Plaintiffs fewer hours of work per week and fewer weeks of employment than Defendants had promised Plaintiffs in Texas.

71. At no time during the course of Plaintiffs' employment did Defendant Cervantes obtain from Grower Defendants and make available to Plaintiffs a written statement of employment conditions as required by the AWP.

72. Defendants violated without justification their working arrangements with Plaintiffs by not complying with all the terms and conditions of employment that Defendants had promised and by failing to comply with all applicable employment laws.

73. Plaintiffs at all times complied with the terms of the working arrangements.

74. Grower Defendants and their agents subjected Plaintiffs to verbal abuse and harassment, as well as intolerable living and working conditions, on account of their race and/or national origin.

75. Grower Defendants and their agents regularly yelled, swore at, and otherwise verbally harassed Plaintiffs with vulgar language and offensive comments while they worked.

76. Grower Defendant "Marshall" made derogatory comments to and about Plaintiffs referencing their race and/or national origin, such as stating that "Mexicans don't know how to work."

77. Grower Defendant “Sonny” made derogatory statements to and about Plaintiffs referencing their race and/or national origin, such as making comments in their presence about “greasy Mexicans” or “fucking Mexicans.”

78. Plaintiffs were offended by the harassing and race-based verbal abuse to which they were subjected by Defendants and their agents.

79. Defendants delayed or denied bathroom and meal breaks to Plaintiffs and thus forced Plaintiffs to relieve themselves in unsanitary conditions.

80. Upon information and belief, Defendants provided similarly situated non-Hispanic/Latino and non-Mexican/Mexican-American workers ample and timely restroom and meal breaks.

81. Defendants housed Plaintiffs in inhumane and offensive housing conditions during their employment with Defendants as set forth in Paragraphs 54 through 61.

82. These inhumane and offensive living conditions in the housing provided to Plaintiffs incident to their employment for Defendants, constituted part of the hostile work environment to which Defendants subjected Plaintiffs on account of their race and/or national origin.

83. Defendants paid Plaintiffs in cash, generally at the rate of \$8.00/hour, prior to deductions made by Defendant Cervantes and Andres Cervantes.

84. Upon information and belief, similarly situated non-Hispanic/Latino and non-Mexican/Mexican-American workers of Defendants were paid by check, generally at the rate of \$9.00/hour.

85. In the presence of the other workers, Grower Defendant “Sonny” told Plaintiff Elvia Garcia that he wanted to take her out at the end of the day, to show her around Mississippi, and that he was going “to fuck” her. He repeatedly said he would fuck her.

86. Grower Defendant “Sonny,” through his agent Andres Cervantes, told Plaintiff Elvia Garcia that he wanted to go out with her; Andres told her that his boss, “Sonny,” would get whatever he wanted.

87. Grower Defendant “Sonny,” cornered Plaintiff Marylu Garcia on the bus that Defendants used to transport Plaintiffs to and from work; she had gotten off the tractor and went on the bus because she was ill. “Sonny” approached her, stared at her, and told her that she must be sick because she had fucked and become pregnant, and that she must like to fuck.

88. Grower Defendant “Sonny” also told Plaintiff Marylu Garcia that he wanted her to come to his house at the end of the summer so that he could show her how real men have sex; “Sonny” bit his lip suggestively while he propositioned her.

89. Plaintiffs Elvia Garcia and Marylu Garcia felt as if Grower Defendant “Sonny” was staring at them while they worked.

90. Plaintiffs Elvia Garcia and Marylu Garcia found Grower Defendant “Sonny’s” sexual advances, propositions, and comments unwelcome and offensive.

91. Grower Defendant “Sonny’s” behavior toward Plaintiffs Elvia Garcia and Marylu Garcia was based on their female sex.

92. Grower Defendant “Sonny’s” unwelcome sexual advances, propositions, and comments towards Plaintiffs Elvia Garcia and Marylu Garcia created a hostile work environment based on sex.

93. Grower Defendant “Sonny” acted as a supervisor for the agricultural business of Defendant Lewis Marshall Bailey IV (“Marshall”).

94. All of the actions and omissions alleged herein were undertaken by Defendants either directly and/or through their agents.

95. Plaintiffs suffered injury as a result of the Defendants’ actions and omissions complained of herein. Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering. These injuries were the natural, direct, and foreseeable result of the Defendants’ conduct.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES AND CONDITIONS
PRECEDENT**

96. Plaintiffs re-allege and incorporate by reference Paragraphs 1 through 95 of this complaint as if fully set forth herein.

97. Within the appropriate time of the acts of which Plaintiffs complain, twenty-two Plaintiffs (hereinafter, “charging-parties” or “charging-party Plaintiffs”) filed timely charges of discrimination against Defendants, under oath, with the Equal Employment Opportunity Commission (hereinafter, “EEOC”).

98. In November of 2013, the EEOC provided the charging-party Plaintiffs with Notices of Right to Sue. Plaintiffs file this complaint within ninety (90) days of receipt of the Notices to the charging-parties from the EEOC. Plaintiffs’ Notices of Right to Sue issued by the EEOC are attached as Exhibit “A” and incorporated by reference herein.

99. All Plaintiffs Title VII claims arise out of the same discriminatory treatment, during the same time frame, as the discriminatory treatment the charging-party Plaintiffs complained of in their charges to the EEOC. Moreover, the charging-parties provided notice to the Defendants of the collective nature of their charges. Charging-party Plaintiffs' Charges of Discrimination are attached as Exhibit "B" and incorporated by reference herein.

100. Therefore, all conditions precedent to Plaintiffs' claims for relief under Title VII have been performed or have occurred.

**FIRST CAUSE OF ACTION: MIGRANT AND SEASONAL AGRICULTURAL
WORKER PROTECTION ACT**

101. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.

102. Grower Defendants intentionally violated all Plaintiffs' rights under the AWP by, *inter alia*:

- a. Failing to provide written disclosures at the time of the workers' recruitment, 29 U.S.C. § 1821(a);
- b. Failing to post at the housing site a statement showing the terms and conditions of occupancy, 29 U.S.C. § 1821(c);
- c. Knowingly giving false or misleading information to a worker, 29 U.S.C. § 1821(f);
- d. Failing to provide and post all disclosures required by the AWP under 29 U.S.C. § 1821 (a)-(c) in Spanish, 29 U.S.C. § 1821(g);
- e. Violating the terms of the working arrangement without justification, 29 U.S.C. § 1822(c);

- f. Failing to ensure that housing provided to Plaintiffs complied with federal and state safety and health standards, 29 U.S.C. § 1823(a);
- g. Failing to have an appropriate federal, state, or local agency certify that housing met applicable safety and health standards for migrant agricultural workers, and failing to post the certificate of compliance with federal and state health and safety standards for migrant agricultural workers, 29 U.S.C. § 1823(b);
- h. Causing Plaintiffs to be transported in violation of the AWPAs' vehicle safety standards, 29 U.S.C. § 1841(b); and
- i. Utilizing the services of a farm labor contractor without taking reasonable steps to determine that the farm labor contractor possessed a valid certificate of registration which authorized the activity for which the contractor was utilized, 29 U.S.C. § 1842.

103. Grower Defendants intentionally violated the rights under the AWPAs of all Plaintiffs who remained to work planting sweet potatoes for them by, *inter alia*:

- a. Failing to pay wages owed when due, 29 U.S.C. § 1822(a);
- b. Failing to make, keep, and preserve payroll records for each worker for each pay period, and to provide each worker with an itemized pay statement, 29 U.S.C. § 1821(d); and
- c. Failing to post a notice at the place of employment setting forth the workers' rights under the AWPAs, 29 U.S.C. § 1821(b).

104. Defendant Cervantes intentionally violated all Plaintiffs' rights under the AWPAs by, *inter alia*:

- a. Engaging in farm labor contractor activities without authorization from USDOL to perform those activities, 29 U.S.C. § 1811(a);
- b. Failing to amend his certificate of registration whenever he intended to engage in another farm labor contracting activity, use a vehicle to transport migrant agricultural workers, or house migrant agricultural workers, other than as previously authorized on his certificate of registration, 29 U.S.C. § 1815(2);
- c. Hiring, employing, or using an unregistered farm labor contractor to perform farm labor contractor activities, 29 U.S.C. § 1811(b);
- d. Failing to provide required written disclosures at the time of the workers' recruitment, 29 U.S.C. § 1821(a);
- e. Failing to post at the housing site a statement showing the terms and conditions of occupancy, 29 U.S.C. § 1821(c);
- f. Knowingly giving false or misleading information to a worker, 29 U.S.C. § 1821(f);
- g. Failing to provide and post all disclosures required by the AWPAA under 29 U.S.C. § 1821 (a)-(c) in Spanish, 29 U.S.C. § 1821(g);
- h. Violating the terms of the working arrangement without justification, 29 U.S.C. § 1822(c);
- i. Failing to ensure that housing provided to Plaintiffs complied with federal and state safety and health standards, 29 U.S.C. § 1823(a);
- j. Failing to have an appropriate federal, state, or local agency certify that housing met applicable safety and health standards for migrant agricultural

workers, and failing to post the certificate of compliance with federal and state health and safety standards for migrant agricultural workers, 29

U.S.C. § 1823(b);

k. Causing Plaintiffs to be transported in violation of the AWPAs' vehicle safety standards, 29 U.S.C. § 1841(b); and

l. Failing to obtain from the place of employment and make available to Plaintiffs a written statement of employment conditions as required by 29 U.S.C. § 1843.

105. Defendant Cervantes intentionally violated the rights under the AWPAs of all Plaintiffs who remained to work planting sweet potatoes by, *inter alia*:

- a. Failing to post a notice at the place of employment setting forth the workers' rights under the AWPAs, 29 U.S.C. § 1821(b);
- b. Failing to make, keep, and preserve payroll records for each worker for each pay period as required by the AWPAs and to provide each worker with an itemized pay statement, 29 U.S.C. § 1821(d); and
- c. Failing to pay wages owed when due, 29 U.S.C. § 1822(a).

106. Defendant Cervantes and Grower Defendants intentionally violated the rights of Plaintiffs Jorge Luis Aguilera, Jose Humberto Aguilera, Elvia Garcia, Marylu Garcia, Alejandro Robledo, Esteban Robledo, and Maria Guadalupe Robledo, under the AWPAs by, *inter alia*, intimidating, threatening, discharging, and/or discriminating against them for exercising their rights and protections under the AWPAs, 29 U.S.C. § 1855.

107. For each such violation of the AWP, Plaintiffs are entitled to recover from Defendants their actual damages (including mental anguish and emotional distress) or up to \$500 in statutory damages.

SECOND CAUSE OF ACTION:
BREACH OF CONTRACT UNDER TEXAS LAW

108. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.

109. Defendants entered into an individual employment contract with each Plaintiff.

110. Defendants breached each contract of employment into which they entered with the Plaintiffs by failing to comply with the promised terms and conditions of employment.

111. As a direct consequence of Defendants' breach of the employment contracts, the Plaintiffs suffered substantial injury.

112. Defendants are therefore liable to Plaintiffs for actual, incidental, and consequential damages, attorneys' fees, and costs.

THIRD CAUSE OF ACTION:
ASSAULT AND BATTERY UNDER MISSISSIPPI LAW

113. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.

114. Defendant Cervantes acted with intent to cause harmful or offensive contact with Plaintiff Agustin Garcia when he punched him.

115. Plaintiff Agustin Garcia was placed in imminent apprehension of harmful or offensive contact when Defendant Cervantes punched him.

116. Defendant Cervantes caused Plaintiff Agustin Garcia harmful or offensive contact when he punched Plaintiff Agustin Garcia.

117. Plaintiff Garcia had not threatened, frightened, or provoked Defendant Cervantes.

118. The assault and battery of Plaintiff Agustin Garcia was of a wanton, malicious, or brutal nature.

119. Defendant Cervantes is liable to Plaintiff Agustin Garcia for compensatory and punitive damages he suffered as a result of the assault and battery described in Paragraphs 52 through 53 and 114 through 118, *supra*.

120. Grower Defendants are vicariously liable to Plaintiff Agustin Garcia for compensatory and punitive damages he suffered as a result of the assault and battery described in Paragraphs 52 through 53 and 114 through 118, *supra*.

**FOURTH CAUSE OF ACTION: SECTION 1981, HOSTILE WORK
ENVIRONMENT ON THE BASIS OF RACE**

121. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.

122. This claim is brought on behalf of all Plaintiffs pursuant to 42 U.S.C. § 1981 against the Grower Defendants.

123. The conditions under which Defendants required Plaintiffs to live and work were so severe or pervasive that a reasonable person would find them hostile or abusive, and Plaintiffs in fact perceived them to be hostile and abusive.

124. As set forth above, the Defendants harassed and abused Plaintiffs' on account of their race, and such conduct was sufficiently severe or pervasive to constitute

a hostile, offensive, and intimidating work environment in violation of Plaintiffs' rights to make and enforce employment contracts free of discrimination.

125. Defendants' actions violated Plaintiffs' rights to receive full and equal benefit of all laws guaranteed by 42 U.S.C. § 1981, including Plaintiffs' rights to enjoy and benefit from a nondiscriminatory employment relationship.

126. Defendants knowingly, willfully, intentionally, or recklessly acted to deprive Plaintiffs of their federally-protected rights.

127. As a direct result of Defendants' violations of Plaintiffs' rights under 42 U.S.C. § 1981 described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

**FIFTH CAUSE OF ACTION: SECTION 1981, WAGE DISCRIMINATION ON
THE BASIS OF RACE**

128. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.

129. This claim is brought pursuant to 42 U.S.C. § 1981 on behalf of all Plaintiffs except Plaintiff David Montalvo against the Grower Defendants.

130. Grower Defendants' paid Plaintiffs at a rate lower than it paid other employees.

131. As set forth above, Grower Defendants paid Plaintiffs at a lower rate than other employees on the basis of Plaintiffs' race.

132. Grower Defendants' disparate payment of wages constituted unlawful employment practices.

133. Defendants' actions violated Plaintiffs' rights to receive full and equal benefit of all laws guaranteed by 42 U.S.C. § 1981, including Plaintiffs' rights to enjoy and benefit from a nondiscriminatory employment relationship.

134. Defendants knowingly, willfully, intentionally, or recklessly acted to deprive Plaintiffs of their federally-protected rights.

135. As a direct result of Defendants' violations of Plaintiffs' rights under 42 U.S.C. § 1981 described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

**SIXTH CAUSE OF ACTION: TITLE VII, HOSTILE WORK ENVIRONMENT
ON THE BASIS OF RACE AND NATIONAL ORIGIN**

136. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.

137. This claim is brought on behalf of all Plaintiffs pursuant to Title VII against the Grower Defendants.

138. Grower Defendants' abusive conduct was so severe or pervasive as to constitute an objectively hostile work environment, and Plaintiffs in fact perceived it to be hostile and abusive.

139. As set forth above, Grower Defendants subjected Plaintiffs to an abusive and hostile work environment on the basis of Plaintiffs' race and/or national origin.

140. Grower Defendants' creation of a hostile work environment constituted unlawful employment practices, *to wit* discrimination with respect to the terms, conditions, or privileges of employment.

141. The unlawful employment practices complained of above were intentional and done with malice or with reckless indifference to the federally protected rights of Plaintiffs.

142. The effect of the intentional practices complained of above was to deprive Plaintiffs of equal employment opportunities and otherwise adversely affect their status as employees because of their race and/or national origin.

143. As a direct result of Defendants' violations of Plaintiffs' rights under Title VII described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

**SEVENTH CAUSE OF ACTION: TITLE VII, WAGE DISCRIMINATION ON
THE BASIS OF RACE AND NATIONAL ORIGIN**

144. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.

145. This claim is brought on behalf of all Plaintiffs except Plaintiff David Montalvo pursuant to Title VII against the Grower Defendants.

146. Grower Defendants' paid Plaintiffs at a rate lower than it paid other employees.

147. As set forth above, Grower Defendants paid Plaintiffs at a lower rate than other employees on the basis of Plaintiffs' race and/or national origin.

148. Grower Defendants' disparate payment of wages constituted unlawful employment practices.

149. The unlawful employment practices complained of above were intentional and done with malice or with reckless indifference to the federally protected rights of Plaintiffs.

150. The effect of the intentional practices complained of above was to deprive Plaintiffs of equal employment opportunities and otherwise adversely affect their status as employees because of their race and/or national origin.

151. As a direct result of Defendants' violations of Plaintiffs' rights under Title VII described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

**EIGHTH CAUSE OF ACTION: TITLE VII, HOSTILE WORK
ENVIRONMENT/SEXUAL HARASSMENT**
(Plaintiffs Elvia Garcia & Marylu Garcia)

152. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 100 of this complaint as if fully set forth herein.

153. This claim is brought on behalf of Plaintiffs Elvia Garcia and Marylu Garcia pursuant to Title VII against the Grower Defendants.

154. As set forth above, Grower Defendants subjected Plaintiffs Elvia Garcia and Marylu Garcia to unwelcome conduct that was on the basis of their female sex.

155. The conduct was so severe or pervasive as to constitute an objectively hostile work environment, and Plaintiffs in fact perceived it to be hostile and abusive.

156. The unlawful employment practices complained of above was intentional and done with malice or with reckless indifference to the federally protected rights of Plaintiffs Elvia Garcia and Marylu Garcia.

157. The effect of the intentional practices complained of was to deprive Plaintiffs Elvia Garcia and Marylu Garcia of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

158. As a direct result of Defendants' violations of Plaintiffs' rights under Title VII described above, Plaintiffs have suffered injury to their property or person, including but not limited to, mental anguish, embarrassment, humiliation, and emotional pain and suffering, warranting an award of compensatory and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court grant them the following relief:

- a. Enter a judgment in favor of Plaintiffs on their AWPAs claims as set forth in their First Cause of Action;
- b. Award Plaintiffs their actual damages or, alternatively, statutory damages of \$500 per person per violation for Defendants' violations of the AWPAs;
- c. Enter a judgment in favor of Plaintiffs on their breach of contract claims as set forth in their Second Cause of Action;
- d. Award Plaintiffs their actual, incidental, and consequential damages on their breach of contract claim;
- e. Enter a judgment in favor of Plaintiff Agustin Garcia on his assault and battery claims as set forth in the Third Cause of Action;
- f. Award Plaintiff Agustin Garcia compensatory and punitive damages on his assault and battery claim;
- g. Enter a judgment in favor of Plaintiffs on their Section 1981 hostile work environment claims as set forth in the Fourth Cause of Action;

- h. Award Plaintiffs compensatory and punitive damages on their 1981 hostile work environment claim;
- i. Enter a judgment in favor of Plaintiffs on their Section 1981 wage discrimination claims as set forth in the Fifth Cause of Action;
- j. Award Plaintiffs compensatory and punitive damages on their 1981 wage claims;
- k. Enter a judgment in favor of Plaintiffs on their Title VII claims as set forth in the Sixth Cause of Action;
- l. Award Plaintiffs compensatory and punitive damages on their Title VII race and national origin hostile work environment claim;
- m. Enter a judgment in favor of Plaintiffs on their Title VII claims as set forth in the Seventh Cause of Action;
- n. Award Plaintiffs compensatory and punitive damages on their Title VII race and national origin wage discrimination claim;
- o. Enter a judgment in favor of Plaintiffs Elvia Garcia and Marylu Garcia on their Title VII sex discrimination claim as set forth in the Eighth Cause of Action;
- p. Award Plaintiffs Elvia Garcia and Marylu Garcia compensatory and punitive damages on their Title VII claim sex discrimination;
- q. Award Plaintiffs prejudgment and post judgment interest as allowed by law;
- r. Award Plaintiffs their reasonable expenses and costs of court;
- s. Award attorney's fees to counsel for Plaintiffs; and
- t. Award Plaintiffs such other relief as this Court deems just and proper.

JURY DEMAND

NOW COME Plaintiffs and demand a jury trial on the issues of this case and respectfully request that this cause be placed on the jury docket.

Respectfully submitted,

/s/ **Angela M. Graves**

Angela M. Graves
Attorney-in-Charge for Plaintiffs
Texas Bar No. 24059848
Southern District of Texas No. 1321527
SOUTHERN MIGRANT LEGAL SERVICES,
A Project of TEXAS RIOGRANDE LEGAL AID,
INC.
311 Plus Park Blvd., Ste. # 135
Nashville, TN 37217
Telephone: (615) 750-1200
Facsimile: (615) 366-3349
Email: agraves@trla.org

Marinda van Dalen
Texas Bar No. 00789698
Southern District of Texas No. 17577
TEXAS RIOGRANDE LEGAL AID, INC.
531 E. St. Francis Street
Brownsville, Texas 78520
Telephone: (956) 982-5540
Facsimile: (956) 541-1410
Email: mvandalen@trla.org

CERTIFICATE OF SERVICE

I hereby certify that on this the 14th day of February, 2014, I electronically filed this document with the Clerk of Court using the ECF system, which sent notice of such filing to all counsel of record in this action.

Defendant Jesus Cervantes will be served in compliance with the Federal Rules of Civil Procedure.

/s/ Angela M. Graves

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Heron Gregorio Alaniz
651 N. Dakota
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00591

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

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The EEOC is terminating its processing of this charge.

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The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)



Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Lorenzo A. Silva
P.O. Box 1723
Brownsville, TX 78522

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00585

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

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On behalf of the Commission



Travis G. Hicks,
Director

11/19/13
(Date Mailed)

Enclosures(s)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Octavio Martinez
1443 E. Jefferson Street
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00508

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Jose Luis Loza**
2431 Eduardo Avenue
Brownsville, TX 78520

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00393

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
 (Date Mailed)

cc: **LEWIS M. BAILEY III & LEWIS M. BAILEY IV**
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Israel Becerra Garcia
1434 East Los Ebanos
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00391

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Francisco Garcia**
2457 Frankfurt
Brownsville, TX 78520

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00389

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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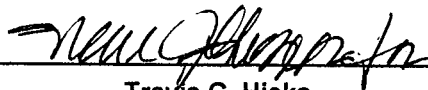
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On behalf of the Commission

Enclosures(s)



Travis G. Hicks,
Director

11/19/13

(Date Mailed)

cc: **LEWIS M. BAILEY III & LEWIS M. BAILEY IV**
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Alejandro Robledo**
2924 Stanolind Avenue
Brownsville, TX 78521

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00388

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
 (Date Mailed)

cc: **LEWIS M. BAILEY III & LEWIS M. BAILEY IV**
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Agustin Garcia**
1013 Jefferson Street
Brownsville, TX 78526

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00387

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

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The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
 (Date Mailed)

cc: **LEWIS M. BAILEY III & LEWIS M. BAILEY IV**
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Jose Francisco Escobedo
481 Willow Lane
Brownsville, TX 78521

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00386

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Luis A. Jimenez
1039 Beaver Lake
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00372

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Jose Luis Rodriguez
424 E. 10th Street
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00369

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

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The EEOC will continue to process this charge.

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Armando Aguilar
16-44 W. Adams
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00368

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Arturo Sanchez-Botello
604 Florence Lane
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00367

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

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Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

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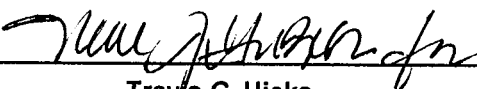
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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Esteban Robledo, Jr.**
5107 Boca Chica, #68
Brownsville, TX 78521

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00366

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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The EEOC is terminating its processing of this charge.

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The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
 (Date Mailed)

cc: **LEWIS M. BAILEY III & LEWIS M. BAILEY IV**
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Jorge Luis Alvarez**
9049 Valle Hermoso
Brownsville, TX 78521

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00365

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
 (Date Mailed)

cc: **LEWIS M. BAILEY III & LEWIS M. BAILEY IV**
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Jorge Luis Aguilera**
2431 Roosevelt
Brownsville, TX 78521

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00364

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: **LEWIS M. BAILEY III & LEWIS M. BAILEY IV**
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Victor M. Flores Galvan
1254 E. Tyler Street
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00363

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Maria Guadalupe Robledo**
5107 Bocachica #68
Brownsville, TX 78521

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00362

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice;** or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☒

More than 180 days have passed since the filing of this charge.

☐

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice.** Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
 (Date Mailed)

cc: **LEWIS M. BAILEY III & LEWIS M. BAILEY IV**
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Jose Humberto Aguilera Sr**
2800 Chaparral Street #2A
Brownsville, TX 78521

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00361

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
 (Date Mailed)

cc:

LEWIS BAILEY III & LEWIS M. BAILEY IV
102 Spratlin Street
Bruce, MS 38915

Angela M. Graves
LAW OFFICE OF TEXAS RIOGRANDE LEGAL AID,
INC.
Southern Migrant Legal Service
311 Plus Park Blvd., Suite 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: MaryLu Garcia
2924 Stanolind Avenue
Brownsville, TX 78521

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00360

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Israel Mata
1025 Wildrose Lane, 901B
Brownsville, TX 78520

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00359

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



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The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

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On behalf of the Commission

Enclosures(s)


Travis G. Hicks,
Director

11/19/13
(Date Mailed)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Elvia Garcia
5107 Bocachica #73
Brownsville, TX 78521

From: San Antonio Field Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-00351

Norma Guzman,
Enforcement Supervisor

(210) 281-7617

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

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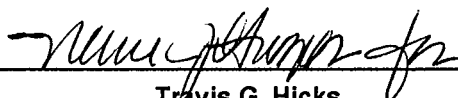


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If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Travis G. Hicks,
Director

11/19/13

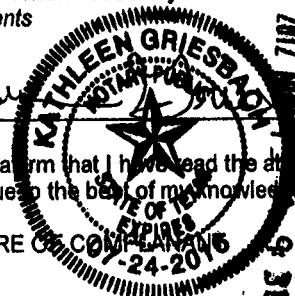
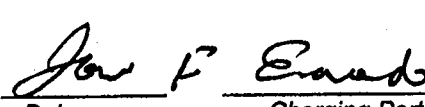
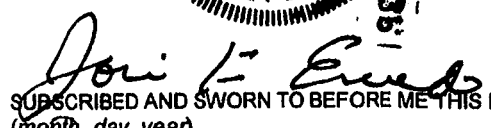
(Date Mailed)

Enclosures(s)

cc: LEWIS M. BAILEY III & LEWIS M. BAILEY IV
102 Spratlin St.
Bruce, MS 38915

Angela M. Graves, Staff Attorney
Southern Migrant Legal Services
A Project of Texas Rio Grande Legal Aid, Inc.
311 Plus Park Blvd., Ste 135
Nashville, TN 37217

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented to: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div>451-2013-00386</div> </div>	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr. Ms. Mrs.) Jose Francisco Escobedo		Home Phone (Ind. Area Code) (956) 459-6189	
Date of Birth 06/07/1955			
Street Address 481 Willow Ln		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)). <i>Corrected by Amalia M. Griesbach with permission, 11/12/12</i> I am a Hispanic/Latino U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements <div style="text-align: center;">  </div>	
I declare under penalty of perjury that the above is true and correct. <div style="display: flex; justify-content: space-between;"> <div>  Date </div> <div> Charging Party Signature </div> </div>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 24, 2012	

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EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; and "vaya a chingar a su madre" (meaning "go fuck your mother"). There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table, no chairs, and two stoves and fridges that didn't properly function and were insufficient for those of us who were housed there.

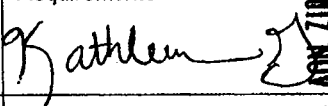


I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

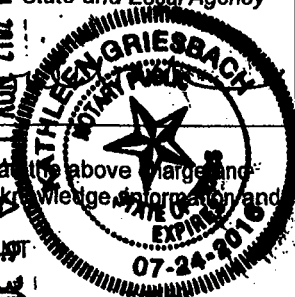
I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

1 2017 NOV 13 A 9 28 1

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented to: Agency(ies) Charge No(s): _____ FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00387	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr. Ms. Mrs.) Agustin Garcia		Home Phone (Incl. Area Code) (956) 238-9979	
Date of Birth 08/28/1944			
Street Address 1013 Jefferson St.		City, State and ZIP Code Brownsville, TX 78526	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)):			
<p>I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.</p> <p>See attached addendum page.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct. <div style="display: flex; justify-content: space-between;"> <div> 11/8/12 <small>Date</small> </div> <div>  <small>Charging Party Signature</small> </div> </div>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) November 8, 2012	



EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 20 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and 2 stoves and 2 fridges that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

One evening when we were being paid for our work, Jesus tried to take \$100 from me which he incorrectly said that I owed him. I refused to give him the money since he hadn't paid me and I didn't owe him any money. At that moment, he punched me hard in the stomach. Then he punched me hard above my upper lip and below my nose, making me bleed and giving me a scar. Then he took my wallet and took \$100 from it.

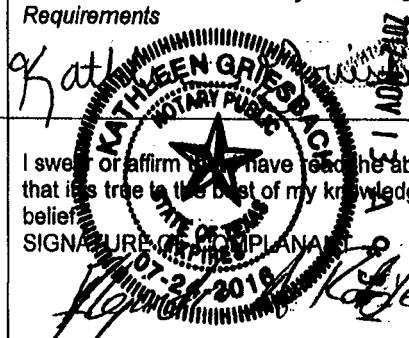
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I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

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Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

2017 NOV 13 A 9 38

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION		Charge Presented to: Agency(ies) Charge No(s):	
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
		451-2013-00388	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr. Ms. Mrs.) Alejandro Robledo		Home Phone (Incl. Area Code) (956) 243-6899	Date of Birth 12/27/1989
Street Address 2924 Stanolind Ave.		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	Phone No. (Include Area Code) (662) 414-0821/ 983-5745
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	Phone No. (Include Area Code) (662) 800-4569/800-4564
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)):			
<p>I am a Hispanic/Latino U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.</p> <p>See attached addendum page.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF PLAINTIFF 	
<u>11/7/12</u> Date		<u>Alejandro A. Robledo</u> Charging Party Signature	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) <u>November 7, 2012</u>	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and two stoves and two fridge that didn't properly function and were insufficient for the approximate 30 of us who were to be housed there.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so they and a few others, including myself were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. I slept in one room with my wife Marylu Garcia, her mother Elvia Garcia, and another worker. My parents, Maria Guadalupe and Esteban Robledo, slept in another room. Jorge Luis Aguilera and Jose Humberto Aguilera slept in the living room. However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

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EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00389	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Francisco Garcia		Home Phone (Incl. Area Code) (956) 640-4682	
Date of Birth 07/03/1956			
Street Address 2457 Frankfurt		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements KATHLEEN GRIESBACH 11/07/2012	
I declare under penalty of perjury that the above is true and correct. 11/07/12 <u>Francisco Garcia</u> Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <u>Francisco Garcia</u> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) November 7, 2012	

EEOC Form 5 - Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were dirty mattresses, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 working toilets for everyone. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the number of us housed there.

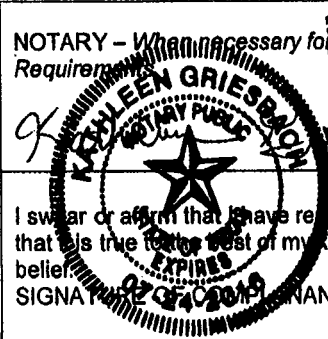
I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
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311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

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EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00391	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Israel Becerra Garcia		Home Phone (Incl. Area Code) (956) 346-9879	
Date of Birth 01/05/1951			
Street Address 1434 East Los Ebanos		City, State and ZIP Code Brownsville, TX 78520	
Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
		Phone No. (Include Area Code) (662) 414-0821/ 983-5745	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
		Phone No. (Include Area Code) (662) 800-4569/800-4564	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements  SIGNATURE: <i>Kathleen Griesbach</i>	
I declare under penalty of perjury that the above is true and correct. 110712 <i>Israel Becerra Garcia</i> Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE: <i>Israel Becerra Garcia</i> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) November 7, 2012	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

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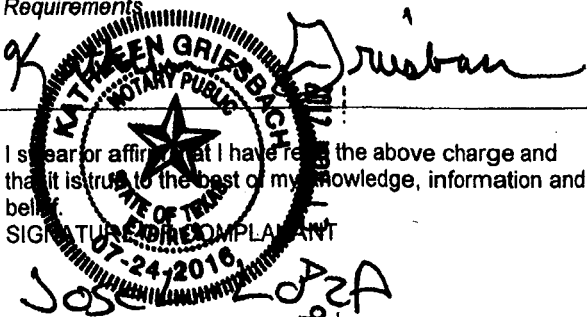
I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

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EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00393	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr. Ms. Mrs.) Jose Luis Loza		Home Phone (Incl. Area Code) (956) 527-5825	
Date of Birth 08/17/1962			
Street Address 2431 Eduardo Ave.		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
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I declare under penalty of perjury that the above is true and correct. 11-0512 <u>Jose L Loza</u> Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF NOTARY SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) November 5, 2012	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

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I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.


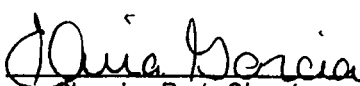

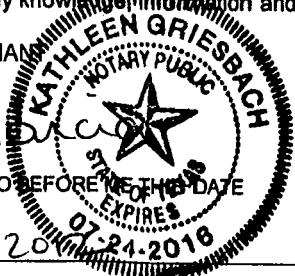
I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

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EEOC Form 5 (501)

NOV 05 2012

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00351	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Ms. Elvia Garcia		Home Phone (Incl. Area Code) (956) 312-0126	
Date of Birth 09/02/1969			
Street Address 5107 Bocachica #73		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Phone No. (Include Area Code) (662) 414-0821/ 983-5745			
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Phone No. (Include Area Code) (662) 800-4569/800-4564			
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): <p>I am a Hispanic/Latina U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. Furthermore, I was sexually accosted by my employer, "Sonny."</p> <p>See attached addendum page.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct. 10-15-12  Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 15, 2012 	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I and the other women complained because we did not feel comfortable to sleep and bathe in an open area with the men, and so we and a few others, were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (Maria Guadalupe and her husband Esteban Robledo slept in one room. Alejandro Robledo, Jaime Cresencio Cantu, MaryLu Garcia and I

slept in another room. Jorge Luis Aguilera and Jose Huberto Aguilera slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

In front of the other workers, Sonny came up to me and told me that he wanted to take me out at the end of the day "to fuck and fuck and fuck." Another time Andres came up to me and told me that Sonny told him to tell me that he wanted me and that anything he wanted he could get. He said Sonny wanted a woman to drink and do drugs with. I know that Sonny also sexually accosted my co-worker, MaryLu and I think the only reason he did not do the same to the other woman, Maria Guadalupe, is because he did not have a chance because her husband was always with her.

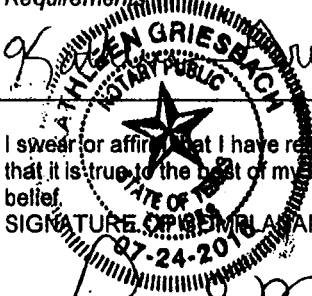
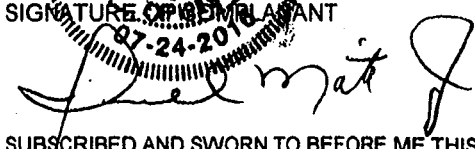
I believe that I and the other workers were treated in a discriminatory manner because of our sex, race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

NOV 05 2012

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA §8 451-2013-00359 <input checked="" type="checkbox"/> EEOC	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Israel Mata		Home Phone (Incl. Area Code) (956) 346-9879	
Date of Birth 06/11/1946			
Street Address 1025 Wildrose Ln 901B		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct. Date <u>10/31/12</u> Charging Party Signature <u>Israel Mata</u>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF EMPLOYER/PLAINTANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) <u>October 31, 2012</u>	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time for the lunch hour.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection from the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I was run off the job and told to go home by Jesus Cervantes about a week before the work ended. Jesus Cervantes gave no motive for telling me to leave early.



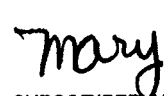

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

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NOV 05 2012

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00360	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (Indicate Mr. Ms. Mrs.) Mrs. MaryLu Garcia		Home Phone (Incl. Area Code) (956) 243-6899	
Date of Birth 10/11/1992			
Street Address 2924 Stanolind Ave.		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Phone No. (Include Area Code) (662) 414-0821/ 983-5745			
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Phone No. (Include Area Code) (662) 800-4569/800-4564			
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latina U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. Furthermore, I was sexually accosted by my employer, "Sonny." See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct. 10-15-12  Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 15, 2012 	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I and the other women complained because we did not feel comfortable to sleep and bathe in an open area with the men, and so we and a few others, were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (Maria Guadalupe and her husband Esteban Robledo slept in one room. Alejandro Robledo, Jaime Cresencio Cantu, Elvia Garcia and myself

slept in another room. Jorge Luis Aguilera and Jose Huberto Aguilera slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

I was working on the tractor, along with my husband, Alejandro Robledo, and other workers when I began to feel ill. My husband asked Andres to let me off the tractor since I was going to vomit. He asked Andres several times, but Andres wouldn't let me get off. I started to vomit while Andres was moving the tractor. When my husband went to ask Andres again, Andres put the tractor down and then I jumped off. I went and got on the bus and was still vomiting. Sonny approached me in the bus and asked me if I was vomiting because I was pregnant. I said no. He persisted and said if I was vomiting it was because I liked to have sex. I told him it wasn't possible that I was pregnant because I was on a (birth control) shot. He then told me that he wanted me to come to his house at the end of the summer so that he could show me how real men can have sex. He said he'd have a barbecue and invite everyone and then take me off to have sex with him. He kept biting his lips while he said this. I told him that I'm married. He backed off, presumably scared that my husband would do something to him for what he was saying to me. He got off the bus, but for a long time he kept circling it and while he was doing that I was so scared that he was going to do something else to me. He finally left but I stayed on the bus the rest of the day. I know that my co-worker Elvia was also sexually accosted by Sonny and I think the only reason he did not do the same to the other woman, Maria Guadalupe is because he did not have a chance because her husband was always with her.

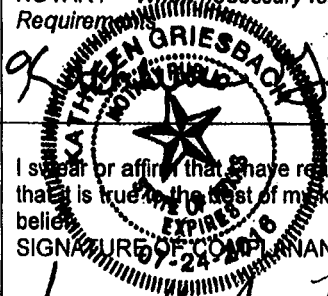

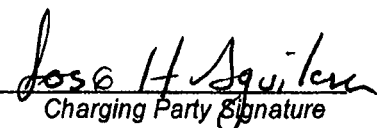
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EEOC Form 5 (5/01)

NOV 05 2012

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TEXAS WORKFORCE COMMISSION CIVIL RIGHT DIVISION and EEOC State or local Agency, if any			
Name (Indicate Mr. Ms. Mrs.) Jose Humberto Aguilera Sr.		Home Phone (Incl. Area Code) (956) 909-9668	
Date of Birth 03/25/1966			
Street Address 2800 Chaparral Street #2A		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		Phone No. (Include Area Code) (662) 414-0821/ 983-5745	
City, State and ZIP Code Bruce, MS 38915			
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		Phone No. (Include Area Code) (662) 800-4569/800-4564	
City, State and ZIP Code Edcouch, TX 78538			
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): <p>I am a Hispanic/Latino U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.</p> <p>See attached addendum page.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements  I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT 	
I declare under penalty of perjury that the above is true and correct. 10-31-12.  Date Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 31, 2012	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 20 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

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The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 people who were housed there.

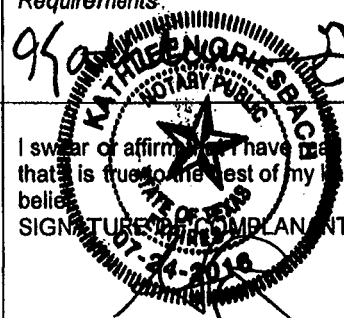
The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so they and a few others, including myself were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (Maria Guadalupe and her husband Esteban Robledo slept in one room. Alejandro Robledo, Jaime Cresencio Cantu, Marylu Garcia and Elvia Garcia slept in another room. Jorge Luis Aguilera and I, Jose Humberto Aguilera, slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

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EEOC Form 5 (5/01)

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TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Maria Guadalupe Robledo		Home Phone (Incl. Area Code) (956) 621-2093	
Date of Birth 12/16/1953			
Street Address 5107 Bocachica #68		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Phone No. (Include Area Code) (662) 414-0821/ 983-5745			
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Phone No. (Include Area Code) (662) 800-4569/800-4564			
Street Address 21901 Cedro Dr.		City, State and ZIP Code Educouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements:  Signature: <i>Kathleen G. Spack</i>	
I declare under penalty of perjury that the above is true and correct. Date: <u>10.31.12.</u> Charging Party Signature: <i>Guadalupe Robledo</i>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINTANT: SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) <u>October 31, 2012</u>	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so we and a few others, including my husband, were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (I slept in one room with my husband, Esteban Robledo. My son, Alejandro Robledo, Jaime Cresencio Cantu, Marylu Garcia and Elvia Garcia slept in another two rooms. Jorge Luis Aguilera and Jose Huberto Aguilera, slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

EEOC Form 5 (5/01)

NOV 9 5 2012

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented to: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

451-2013-00363

TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC

State or local Agency, if any

Name (indicate Mr. Ms. Mrs.)

Mr. Victor M. Flores Galvan

Home Phone (Incl. Area Code)

Date of Birth

12/23/1952

Street Address

1254 E Tyler St.

City, State and ZIP Code

Brownsville, TX 78520

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name (Grower-Employers)

Lewis M. Bailey III & Lewis M. Bailey IV

No. Employees, Members

Appx. 50

Phone No. (Include Area Code)

(662) 414-0821/ 983-5745

Street Address

102 Spratlin St.

City, State and ZIP Code

Bruce, MS 38915

Name (Farm Labor Contractor Employers)

Jesus Cervantes & Andres Cervantes

No. Employees, Members

Appx. 30

Phone No. (Include Area Code)

(662) 800-4569/800-4564

Street Address

21901 Cedro Dr.

City, State and ZIP Code

Edcouch, TX 78538

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☒ NATIONAL ORIGIN☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

May, 2012

June, 2012

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)):

I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.

See attached addendum page.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements



I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

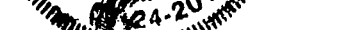
SIGNATURE OF COMPLAINTANT
















10/15/12

Date

Victor M. Flores Galvan

Charging Party Signature

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one. We also went an entire day of work without receiving water.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. There was no light in the bathroom. There was also no real shower curtain, only a broken piece of plastic. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there. There were no chairs for us to eat in; we ate standing up.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves

Texas RioGrande Legal Aid, Southern Migrant Legal Services office


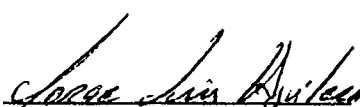

311 Plus Park Blvd., Suite 135

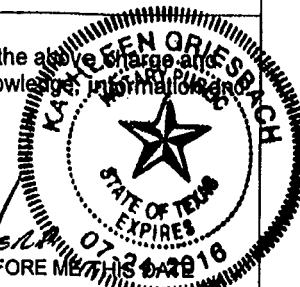
Nashville, TN 37217

(615) 750-1200; agraves@trla.org

EEOC Form 5 (5/01)

NOV 05 2012

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00364	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Jorge Luis Aguilera		Home Phone (Incl. Area Code) (956) 909-9668	
Date of Birth 08/17/1968			
Street Address 2431 Roosevelt		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)). I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct. 10-16-12  Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME (month, day, year) October 16, 2012	



EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so they and a few others, including myself were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. They tried to make us pay rent at first. We had to clean the house because it was so dirty and cut the yard when we arrived. Maria Guadalupe and her husband Esteban Robledo slept in one room. Alejandro Robledo, Jaime Cresencio Cantu, Marylu Garcia and Elvia Garcia slept in another room. Jose Huberto Aguilera and I slept in the living room room at the entrance of the house. However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not

been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner. I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

NOV 05 2012

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00365	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Jose Luis Alvarez		Home Phone (Incl. Area Code) (956) 542-6863	
Date of Birth 03/27/1952			
Street Address 9049 Valle Hermoso		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements Kathleen Gruesz	
I declare under penalty of perjury that the above is true and correct. 10-16-12 <i>José Luis Alvarez</i> Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge and information and belief. SIGNATURE OF COMPLAINANT <i>José Luis Alvarez</i> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 16, 2012	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 32 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one until later.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay and paid us for less hours than we had worked. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a barracks where there were just dirty mattresses on bunk beds, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with 2 stoves and 2 fridges that didn't all properly function and were insufficient for the approximate 16 of us who were housed in each half of the barracks.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner. I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

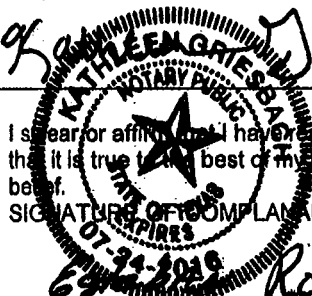
Angela Graves

Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135

Nashville, TN 37217
(615) 750-1200; agraves@trla.org

NOV 05 2012

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA 451-2013-00366 <input checked="" type="checkbox"/> EEOC	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION _____ and EEOC			
State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Esteban Robledo Jr.		Home Phone (incl. Area Code) (956) 621-2093	
Date of Birth 06/18/1952			
Street Address 5107 Boca Chica #68		City, State and ZIP Code Brownsville, TX 78521	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)):			
<p>I am a Hispanic/Latino U.S. Citizen of Mexican national origin. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.</p> <p>See attached addendum page.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT Robledo Jr	
Date 10-31-12		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 31, 2012	
Charging Party Signature Esteban Robledo Jr			

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

The women complained because they did not feel comfortable to sleep and bathe in an open area with the men, and so they and a few others, including myself were moved to a small rental house. The house did not have the utilities connected at first. There were no beds there, and we had to bring the dirty mattresses from the warehouse. (I slept in one room with my wife, Maria Guadalupe Robledo. My son, Alejandro Robledo, Jaime Cresencio Cantu, Marylu Garcia and Elvia Garcia slept in another two rooms. Jorge Luis Aguilera and Jose Huberto Aguilera, slept in the living room.) However, those of us who were moved to the house were fired and sent home from the job sooner than the other workers who had not been moved. I believe this was retaliation for our complaints to the employers because of the poor way in which we were treated by them.

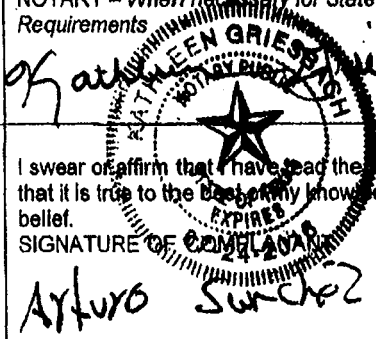
I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

EEOC Form 5 (5/01)

NOV 05 2012

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00367	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Arturo Sanchez-Botello		Home Phone (Incl. Area Code) (956) 589-4609	
Date of Birth 07/16/1963			
Street Address 604 Florence Ln.		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct. 11.2.12 <u>Arturo Sanchez</u> Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <u>Arturo Sanchez</u> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) November 2, 2012	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the number of us who were housed there.


I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

NOV 05 2012

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input checked="" type="checkbox"/> FEPA 451-2013-00368 <input checked="" type="checkbox"/> EEOC	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Armando Aguilar		Home Phone (Incl. Area Code) (956) 243-4018	
Date of Birth 11/01/1948			
Street Address 16-44 W. Adams		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Phone No. (Include Area Code) (662) 414-0821/ 983-5745			
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Phone No. (Include Area Code) (662) 800-4569/800-4564			
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): <p>I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.</p> <p>See attached addendum page.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements  KATHLEEN GRIESBACH	
I declare under penalty of perjury that the above is true and correct. 10-31-12 <u>Armando Aguilar</u> Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <u>Armando Aguilar</u> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 31, 2012	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

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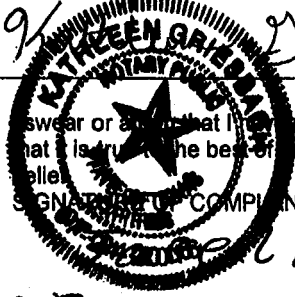
I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

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Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

NOV 06 2012

EEOC Form 5 (501)

CHARGE OF DISCRIMINATION <small>This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</small>		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA 451-2013-00369 <input checked="" type="checkbox"/> EEOC	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr. Ms. Mrs.) Mr. Jose Luis Rodriguez		Home Phone (Incl. Area Code) (956) 545-8513	
Date of Birth 09/23/1960			
Street Address 424 E 10th St		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
		Phone No. (Include Area Code) (662) 414-0821/ 983-5745	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
		Phone No. (Include Area Code) (662) 800-4569/800-4564	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements  Driesbar	
I declare under penalty of perjury that the above is true and correct. 10.31.12 Jose Luis Rodriguez Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNED AND SWORN TO BEFORE ME THIS DATE 31 of October, 2012	

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

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When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses on the floor, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

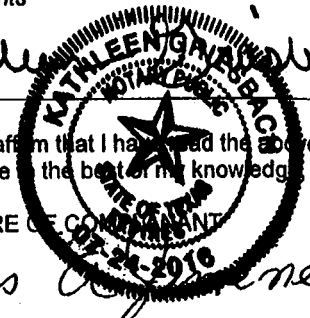
I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

EEOC Form 5 (501)

NOV 05 2012

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00372	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (Indicate Mr. Ms. Mrs.) Luis A Jimenez		Home Phone (Incl. Area Code) (956) 238-9977	
Date of Birth 05/03/1946			
Street Address 1039 Beaver Lake		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Phone No. (Include Area Code) (662) 414-0821/ 983-5745			
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Phone No. (Include Area Code) (662) 800-4569/800-4564			
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): <p>I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.</p> <p>See attached addendum page.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct. 10-24-12 Luis A Jimenez Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT Luis A Jimenez SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) October 24, 2012	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected time lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

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I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

EEOC Form 5 (5/01)

2012 NOV 20 A 10:48

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00508	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Octavio Martinez		Home Phone (Incl. Area Code) (956) 346-9879	
Date of Birth 09/15/1958			
Street Address 1443 E Jefferson St.		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)). I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers. See attached addendum page.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements Kathleen Griesbach	
I declare under penalty of perjury that the above is true and correct. 11-19-12 Date		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF NOTARY SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) November 19, 2012	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were often not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.

The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses, with no bedding. There was no real shower, but only a pipe that had been rigged to use as a make-shift shower. There were only 2 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and stove and fridge that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

I am represented by counsel in this matter. I request that any and all communications or correspondence for me be directed to my lawyer:

Angela Graves
Texas RioGrande Legal Aid, Southern Migrant Legal Services office
311 Plus Park Blvd., Suite 135
Nashville, TN 37217
(615) 750-1200; agraves@trla.org

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EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00585	
TEXAS WORKFORCE COMMISSION CIVIL RIGHTS DIVISION and EEOC State or local Agency, if any			
Name (indicate Mr. Ms. Mrs.) Lorenzo A Silva		Home Phone (Incl. Area Code) N/A	
Date of Birth 02/16/1958			
Street Address P.O. Box 1723		City, State and ZIP Code Brownsville, TX 78522	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
		Phone No. (Include Area Code) (662) 414-0821/ 983-5745	
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
		Phone No. (Include Area Code) (662) 800-4569/800-4564	
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attached extra sheet(s)): <p>I am a Hispanic/Latino Mexican Citizen and Legal Permanent Resident of the U.S. In early May, 2012, I was recruited by Jesus ("Chuy") Cervantes in Brownsville, TX to migrate to Bruce, Mississippi for temporary agricultural employment, planting sweet potato plants, for Lewis Marshall Bailey III and Lewis Marshall Bailey IV. During the course of my employment for the Farm Labor Contractor (FLC) Jesus Cervantes, his agent Andres Cervantes, and the sweet potato growers Lewis Marshall Bailey III (a.k.a "Marshall") & Lewis Marshall Bailey IV (a.k.a "Sonny"), I encountered many problems with the working conditions, pay, and migrant housing provided by the employers.</p> <p>See attached addendum page.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements Kathleen Griesbach	
I declare under penalty of perjury that the above is true and correct. 11-28-12 <u>Lorenzo Silva</u> Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF NOTARY November 28, 2012 SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 – Addendum Page

I was part of a group of approximately 30 Hispanic/Latino workers, all of Mexican national origin. While we worked planting sweet potatoes all four of the employers named above would regularly yell at us and verbally harass us. On occasion they would make comments such as: "Mexicans don't know how to work"; "vaya a chingar a su madre" (meaning "go fuck your mother"); and telling us that even children could do a better job than we were doing. There were no portable bathrooms provided until the end of the season and we were not permitted to take breaks to relieve ourselves. The bosses would yell at us that we couldn't take a break because "time is money," and it was so bad that some of the workers even had accidents. Often we were not allowed to take our lunch break until much later than the expected lunch hour, and they would sometimes give us as little as 15 minutes for our lunch break.

There were other workers of the growers who were not part of our group, and that group was made of local workers, including workers who were not Hispanic/Latino or of Mexican national origin. They were allowed to take breaks as they wished. They were provided with a tarp for protection for the sun, but even though some from our group requested a tarp, we were not given one.

When we were paid, we were expecting to be paid with checks, including withholdings for FICA, SS and Medicare and with paystubs indicating our hours, wages, deductions, etc. Instead, we were paid by cash. We were told we would be paid at \$8/hour, but many times Jesus or Andres Cervantes would make unauthorized deductions from our pay, thus decreasing the hourly wage. We believe that the other group of workers was paid by checks and at a rate of \$9/hour or higher.



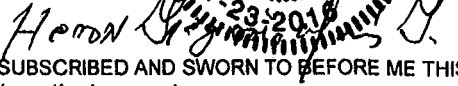
The "housing" provided to us was awful. We expected housing that would meet federal standards but what we got was worse than a jail, and fit more for animals than people. We were taken to a warehouse where there were just dirty mattresses, with no bedding. There was no real shower, but only two pipes that had been rigged to use as a make-shift shower. There were only 3 toilets for everyone, and at times only one was functioning. The "bathroom" area and "kitchen" area were both open at the top so sounds and smells from the two areas mixed. The "kitchen" area was also insufficient with only a board set up to be like a table and several stoves and fridges that didn't properly function and were insufficient for the approximate 30 of us who were housed there.

I believe that I and the other workers were treated in a discriminatory manner because of our race and national origin, in violation of Title VII of the Civil Rights Act of 1964, as amended. The words and actions of Jesus Cervantes, Andres Cervantes, Lewis Marshall Bailey III, and Lewis Marshall Bailey IV created a hostile work environment. I am filing this charge on behalf of myself and the other workers of my crew who were treated in the same or similar manner.

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(615) 750-1200; agraves@trla.org

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented to: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 451-2013-00591	
TEXAS WORKFORCE DEVELOPMENT RIGHTS DIVISION and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr. Ms. Mrs.) Heron Gregorio Alaniz		Home Phone (Incl. Area Code) N/A	
Date of Birth 11/28/1932			
Street Address 651 N. Dakota		City, State and ZIP Code Brownsville, TX 78520	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name (Grower-Employers) Lewis M. Bailey III & Lewis M. Bailey IV		No. Employees, Members Appx. 50	
Phone No. (Include Area Code) (662) 414-0821/ 983-5745			
Street Address 102 Spratlin St.		City, State and ZIP Code Bruce, MS 38915	
Name (Farm Labor Contractor Employers) Jesus Cervantes & Andres Cervantes		No. Employees, Members Appx. 30	
Phone No. (Include Area Code) (662) 800-4569/800-4564			
Street Address 21901 Cedro Dr.		City, State and ZIP Code Edcouch, TX 78538	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest May, 2012 June, 2012 <input checked="" type="checkbox"/> CONTINUING ACTION	
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I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct. 11-29-12  Date Charging Party Signature		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT  SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) 11-29-12	

EEOC Form 5 – Addendum Page

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